

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE**

STATE OF TENNESSEE,

Plaintiff,

v.

XAVIER BECERRA, in his official
capacity as Secretary of Health and Human
Services; U.S. DEPARTMENT OF
HEALTH AND HUMAN SERVICES;
LYNN ROSENTHAL¹, in her official
capacity as Deputy Assistant Secretary for
Population Affairs; and OFFICE OF
POPULATION AFFAIRS,

Defendants.

Civil Action No. 3:23-cv-384
Judge Travis R. McDonough
Magistrate Judge Jill E. McCook

THIRD JOINT STATUS REPORT

On August 30, the parties filed a second joint status report. Doc. 41. In that joint status report, the parties advised the Court that Tennessee was “considering seeking potential further appellate review” of the Sixth Circuit’s decision affirming the denial of preliminary relief and that both “sides agree that it would be appropriate to maintain this case in abeyance pending Tennessee’s decision on seeking review.” *Id.* The parties therefore “agree[d] to submit a joint status report within seven days of Tennessee’s further appeal or by October 17, 2024, whichever is earlier.” *Id.*

Tennessee filed a petition for rehearing en banc on October 9. Doc. 53 in No. 24-5220. The Sixth Circuit has directed defendants to file a response to that petition. Doc. 54 in No. 24-5220. Both sides agree that it would be appropriate to maintain this case in abeyance pending the Sixth Circuit’s

¹ Under Federal Rule of Civil Procedure 25(d), successor official Lynn Rosenthal is automatically substituted for previous Deputy Assistant Secretary for Population Affairs Jessica S. Marcella.

consideration of Tennessee's petition. The parties agree to submit a joint status report within seven days of the Sixth Circuit's disposition of Tennessee's pending petition for rehearing en banc.

Respectfully submitted,

/s/ Whitney Hermendorfer

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served via the Court's electronic filing system on this 16th day of October 2024 on all counsel of record.

/s/ Whitney Hermendorfer
WHITNEY HERMANDORFER* (BPR# 41054)